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Amendment in Nature of
Substitute**DISCUSSION DRAFT****June 28, 1990**

AMENDMENT NO. _____

Calendar No. _____

Purpose: To strengthen the bill, and for other purposes.

IN THE SENATE OF THE UNITED STATES—101st Cong., 2d Sess.

S. 2724

To extend and improve arts and humanities programs,
museum services, and arts and artifacts indemnification,
and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. PELL

Viz:

- 1 On page 2, at the end of line 12, strike "and".
- 2 On page 2, line 14, strike the period and insert a semi-
3 colon and "and".
- 4 On page 2, between lines 14 and 15, insert the follow-
5 ing:
6 (4) by inserting at the end thereof the following
7 new subsection at the end thereof:

1 “(h) The term ‘local arts agency’ means a community
2 organization or an agency of local government which pri-
3 marily provides financial support, services, or other pro-
4 grams for a variety of arts organizations or individual art-
5 ists.”.

6 ~~SEC. 102. NATIONAL FOUNDATION ON THE ARTS AND THE HU-~~
7 ~~MANITIES.~~
8 Subsection (c) of section 4 of the Act is amended by
9 inserting “arts or humanities council in the State,” after
10 “organization,”.

11 On page 2, line 15, strike “102” and insert “103”.

12 On page 3, between lines 10 and 11, insert the follow-
13 ing:

14 (2) in clause (i) of subsection (g)(2)(D) by in-
15 serting “including local arts agencies,” after “orga-
16 nizations,”.

17 On page 3, strike lines 11 through 14 and insert the
18 following:

19 (3) in subsection (g)(2)(E)—

20 (A) in clause (i) by—

- 1 (i) striking “the previous 2 years”
2 and inserting “the most recent year for
3 which information is available”; and
4 (ii) inserting “local arts agencies,”
5 after “artists’ organizations,”;

6 On page 3, line 23, strike “3” and insert “4”.

7 On page 3, between lines 23 and 24, insert the follow-
8 ing:

- 9 (A) in clause (iii) of subparagraph (D), by
10 inserting “, including local arts agencies,” after
11 “local organizations”;

12 On page 3, line 24, strike “A” and insert “B”.

13 On page 4, line 1, strike “B” and insert “C”.

14 On page 4, line 3, strike “C” and insert “D”.

15 On page 4, strike lines 8 through 10, and insert the
16 following:

17 (5) in subsection (m)—

18 (A) in the first sentence, by—

- 1 (i) striking “local agencies” and in-
2 serting “local arts agencies”; and
3 (ii) striking “develop” and inserting
4 “employ”;

5 On page 4, between lines 15 and 16, insert the follow-
6 ing:

7 SEC. 104. NATIONAL COUNCIL ON THE ARTS.

8 Section 6 of the Act (20 U.S.C. 955) is amended in
9 subsection (b)(2) by inserting “local arts agency leaders,”
10 after “cultural leaders,”.

11 On page 4, line 16, strike “103” and insert “105”.

12 On page 5, line 4, strike “award” and insert “and”.

13 On page 5, line 5, strike “humanities” and insert
14 “Fellowships”.

15 On page 5, line 8, strike out the period and insert “;
16 fellowships”.

17 On page 6, line 13, strike “and”.

1 On page 6, line 16, insert “and” after the semicolon.

2 On page 6, between lines 16 and 17, insert the follow-
3 ing:

4 (F) in paragraph (4)—

5 (i) in subparagraph (A) by striking
6 “34” and inserting “25”; and

7 (ii) in subparagraph (B) by striking
8 “44” and inserting “53”;

9 On page 6, strike lines 23 through 25, and insert the
10 following:

11 (A) in the first sentence of subsection (k)
12 by—

13 (i) inserting “ongoing” before “con-
14 sultation”;

15 (ii) striking “agencies, develop” and
16 inserting “agencies, continue to develop
17 and employ”; and

18 (iii) inserting “and public dissemina-
19 tion of such information and data” after
20 “data collection”;

21 On page 7, lines 15 and 16, strike “subsection” and
22 insert “subsections”.

1 On page 8, line 5, strike the end quotation marks and
2 the second period.

3 On page 8, between lines 5 and 6, insert the follow-
4 ing:

5 “(n) Any group receiving a grant pursuant to subsec-
6 tion (c) may use such grant to award a grant to carry out
7 the purposes for which the grant was received in accord-
8 ance with the provisions of this Act.”.

9 On page 8, line 6, strike “104” and insert “106”.

10 On page 8, between lines 9 and 10, insert the follow-
11 ing:

12 **SEC. 107. ARTS EDUCATION.**

13 (a) The Act (20 U.S.C. 951 et seq.) is amended by—

14 (1) redesignating sections 10 and 11, as sections
15 11 and 12, respectively; and

16 (2) inserting after section 9 the following new
17 section:

18 “ARTS EDUCATION

19 “SEC. 9. (a) It is the purpose of this section to—

20 “(1) encourage and develop quality arts educa-
21 tion at all levels, in conjunction with formal systems
22 of elementary, secondary, and postsecondary educa-

1 tion and with programs of nonformal education for
2 all age groups;

3 “(2) develop and stimulate research to teach
4 quality art education; and

5 “(3) encourage and facilitate the work of other
6 Federal and State agencies in the area of arts educa-
7 tion.

8 “(b)(1) The Chairperson of the National Endowment
9 for the Arts is authorized to pay the Federal share of
10 awarding grants to and entering into contracts or coopera-
11 tive agreements with schools, groups and, in appropriate
12 cases, individuals of exceptional talent engaged in or con-
13 cerned with arts in education to support the activities de-
14 scribed in subsection (c).

15 “(2) The Federal share of grants, contracts, and coop-
16 erative agreements awarded pursuant to the provisions of
17 this section for any fiscal year may not exceed 50 percent
18 of the cost of the activities for which the grant is made or
19 the contract or cooperative agreement is entered into.

20 “(c) Funds awarded under this section may be used to
21 encourage public knowledge, understanding, and apprecia-
22 tion of the arts, and to support the education, training, and
23 development of this Nation’s artists, through activities
24 that—

1 “(1) develop partnerships between local and
2 State arts and education agencies, businesses, col-
3 leges, and universities;

4 “(2) assist artists and arts teachers in career de-
5 velopment;

6 “(3) improve evaluation and assessment of arts
7 education programs and instruction;

8 “(4) support and encourage residencies of art-
9 ists at all educational levels;

10 “(5) support the use of technology and im-
11 proved facilities and resources in arts education pro-
12 grams at all levels; and

13 “(6) support other relevant projects, including
14 surveys, research, planning, and publications relating
15 to the purposes of this subsection.

16 “(d)(1) There is hereby established, within the Na-
17 tional Endowment for the Arts, a National Arts Education
18 Advisory Board (hereinafter referred to as the ‘Board’).

19 “(2)(A) The Board shall consist of fifteen members
20 appointed by the Chairperson of the National Endowment
21 for the Arts.

22 “(B) The Chairperson of the National Endowment for
23 the Arts shall appoint members to the Board who are
24 broadly representative of the arts education field, includ-
25 ing—

fields
of

early childhood,

1 “(i) artists, and educators from elementary, sec-
2 ondary, and postsecondary schools; *educators*

3 “(ii) professionals from national, State, and
4 local organizations, corporations, and foundations;
5 and

6 “(iii) the general public.

7 “(C) The Chairperson of the National Endowment for
8 the Arts shall appoint to the Board at least 2 members of
9 the general public who are knowledgeable in arts educa-
10 tion and not less than 1 person who is a parent of a school-
11 aged child involved in arts education.

12 “(D) The Chairperson of the National Endowment for
13 the Arts shall appoint members to the Board who reflect
14 the various geographical regions of the United States.

15 “(E) The Chairperson of the National Endowment for
16 the Arts shall not appoint to the Board more than 3 mem-
17 bers from any such State.

18 “(F) In making appointments pursuant to subpara-
19 graph (A), the Chairperson of the National Endowment for
20 the Arts shall give consideration to the equitable represen-
21 tation on the Board of women, minorities, and persons
22 with disabilities who are involved in arts education.

23 “(3)(A) The term of office of the members of the
24 Board shall be 5 years, except that—

*U.S. Constitution
Arts Institutions, state
arts agencies and local
arts agencies*

1 “(i) any such member appointed to fill a vacan-
2 cy shall serve only such portion of a term as shall
3 not have expired at the time of such appointment;
4 and

5 “(ii) in the case of initial members of the
6 Board—

7 (I) 3 members shall serve for terms of 5
8 years,

9 (II) 3 members shall serve for terms of 4
10 years,

11 (III) 3 members shall serve for terms of 3
12 years,

13 (IV) 3 members shall serve for terms of 2
14 years,

15 (V) and 3 members shall serve for terms of
16 1 year,

17 as designated by the Chairperson at the time of ap-
18 pointment.

19 “(B) Any member of the Board who has been a
20 member of the Board for more than 7 consecutive years
21 shall thereafter be ineligible for reappointment to the
22 Board during the 3-year period following the expiration of
23 the last such consecutive year.

24 “(C) Vacancies in the Board shall be filled in the
25 same manner as the original appointment was made.

1 “(4) The Chairperson of the Board shall be designat-
2 ed by the Chairperson of the National Endowment for the
3 Arts from among the appointed members of the Board.

4 “(5) Except as provided in paragraph (6)(B), 8 ap-
5 pointed members of the Board shall constitute a quorum.

6 “(6) The Board shall meet at the call of the Chairper-
7 son of the Board, except that the Board shall meet—

8 “(A) not less than four times each year; and

9 “(B) whenever one-third of the appointed mem-
10 bers request a meeting in writing, in which event
11 seven of the appointed members shall constitute a
12 quorum.

13 ~~“(7) Members of the Board who are not in the regular~~
14 ~~full-time employ of the United States shall receive, while~~
15 ~~engaged in the business of the Board, compensation for~~
16 ~~service at a rate to be fixed by the President, except that~~
17 ~~such rate shall not exceed the rate specified at the time of~~
18 ~~such service for grade GS-18 set forth in section 5332 of~~
19 ~~title 5, including travel time, and, while so serving away~~
20 ~~from their homes or regular places of business, they may~~
21 ~~be allowed travel expenses, including per diem in lieu of~~
22 ~~subsistence, as authorized by section 5703 of title 5 for~~
23 ~~persons employed in Government service.~~

24 “(e) The Board, in coordination with the Chairperson
25 of the National Endowment for the Arts, shall—

See Inset
①

1 “(1) initiate, expand and coordinate activities
2 with respect to the encouragement and development
3 of quality arts education at all levels, in conjunction
4 with formal systems of elementary, secondary, and
5 postsecondary education and with programs of non-
6 formal education for all age groups;

7 “(2) develop and stimulate research to teach
8 quality arts education; and

9 “(3) encourage and facilitate the work of other
10 Federal and State agencies in the area of arts educa-
11 tion.”.

12 (b) The Act is further amended—

13 (1) in paragraph (3) of section 5(l) by striking
14 “10” and insert “11”;

15 (2) in subsection (f) of section 6 by striking
16 “11” and inserting “12”;

17 (3) in subparagraph (B) of section 7(h)(2) by
18 striking “11” and inserting “12”;

19 (4) in paragraph (3) of section 7(h) by striking
20 “10” and inserting “11”;

21 (5) in subsection (f) of section 8 by striking
22 “11” and inserting “12”; and

23 (6) in subsection (a) of section 12 (as redesign-
24 nated in paragraph (1) of subsection (a))—

- 1 (A) in paragraph (2)(A) by striking “10”
2 and inserting “11”;
3 (B) in paragraph (2)(B)(i) by striking “10”
4 and inserting “11”;
5 (C) in paragraph (3)(A)(i) by striking
6 “10” and inserting “11”; and
7 (D) in paragraph (3)(B)(i) by striking
8 “10” and inserting “11”.

9 On page 8, line 10, strike “105” and insert “108”.

10 On page 8, line 11, strike “10” and insert “11”.

11 On page 8, line 11, insert “(as redesignated in section
12 107)” before “is”.

13 On page 8, after line 25, insert the following:

14 (7) in subsection (b) (as redesignated in para-
15 graph (4)) by inserting “, including local arts repre-
16 sentatives” after “represent cultural diversity”;

17 On page 9, line 1, strike “7” and insert “8”.

18 On page 9, line 4, strike “8” and insert “9”.

- 1 On page 9, line 7, strike “106” and insert “109”.
- 2 On page 9, line 8, strike “11” and insert “12”.
- 3 On page 9, line 8, insert “(as redesignated in section
4 107)” before “is”.
- 5 On page 10, line 12, strike “and”.
- 6 On page 10, between lines 12 and 13, insert the fol-
7 lowing:
 - 8 (ii) in clause (ii) by striking “9” and inserting
9 “10”; and
- 10 On page 10, line 13, strike “(ii)” and insert “(iii)”.
- 11 On page 12, line 2, strike “and”.
- 12 On page 12, line 12, strike the second period and
13 insert a semicolon and “and”.
- 14 On page 12, between lines 12 and 13, insert the fol-
15 lowing:

1 (4) by inserting at the end thereof the following
2 new subsection:

3 “(f)(1) If the total amount appropriated to the Nation-
4 al Endowment for the Arts pursuant to the authority of
5 section 12 exceeds \$175,000,000, there are authorized to
6 be appropriated \$10,000,000 for fiscal year 1991, and such
7 sums as may be necessary for each of fiscal years 1992,
8 1993, and 1994 *and 1995* ~~of which~~

9 ~~“(A) \$5,000,000 shall be available, for the pur-
10 pose of making grants under subsection (b) of sec-
11 tion 10, and~~

12 ~~“(B) \$5,000,000 shall be available for the arts
13 education activities pursuant to section 5(c).~~

14 “(2) Sums appropriated pursuant to the authority of
15 paragraph (1) shall be available for obligation and expend-
16 iture until expended.”.

17 On page 13, strike lines 11 through 17, and insert the
18 following:

19 (A) in paragraph (1) by—

20 (i) striking “professional museum or-
21 ganizations” and inserting “eligible enti-
22 ties”;

- 1 (ii) striking “such organizations”
2 each place such term appears and inserting
3 “such entities”; and
4 (iii) inserting “and to advance the
5 well being of museum and conservation
6 services” after “museum services”;
7 (B) in paragraph (2)(B) by striking “pro-
8 fessional museum organization” and inserting
9 “eligible entity”;

10 On page 13, strike lines 20 through 22, and insert the
11 following:

- 12 (D) in paragraph (3) by striking “profes-
13 sional museum organizations” and inserting
14 “any eligible entity”; and

15 (E) by amending paragraph (4) to read as
16 follows:

17 “(4) For the purposes of this subsection, the
18 term ‘eligible entity’ means a private, nonprofit pro-
19 fessional museum or conservation-related organiza-
20 tion, a research institution, a university, or a
21 museum.”.

22 On page 14, line 16, strike “3,000,000,000” and
23 insert “5,000,000,000”.

1 On page 14, line 18, strike “300,000,000” and insert
2 “500,000,000”.

3 On page 15, line 3, strike “200,000,000” and insert
4 “300,000,000”.

5 On page 15, line 7, strike “200,000,000” and insert
6 “300,000,000”.